



An association of official horsemen's organizations

June 16, 2018

#### STATEMENT OF THOROUGHbred HORSEMEN'S ASSOCIATIONS, INC. REGARDING H.R. 2651

The horseracing and breeding industry in the United States is a state-sanctioned and state-regulated business that has been a major source of jobs, revenue and open space for states and local communities for more than a century.

The undersigned organizations represent horse owners, trainers and breeders in all 34 horseracing jurisdictions in the United States governed by independent state regulatory bodies charged by state law with tightly regulating the business of racing for the protection of the health, welfare and safety of the horse and rider, the integrity of the sport, and the betting public. Our organizations represent tens of thousands of horsemen who collectively have the largest capital investment in the industry, employ tens of thousands of backstretch workers and support thousands of small businesses who play a vital support role in the industry.

We join with more than 55 national, state, local and industry stakeholder organizations, including the Association of Racing Commissioners International (the national organization representing independent state racing commissions); the American Association of Equine Practitioners and North American Association of Racetrack Veterinarians (the principal organizations representing the equine veterinary community); the American Quarter Horse Association (the governing body of Quarter Horse racing in the United States); the United States Trotting Association (the breed registry and governing body for standardbred racing in the United States) and numerous other racing and breeding organizations in strong and unified opposition to the Horseracing Integrity Act of 2017 (H.R. 2651).

This bill is not in the best interests of the racing industry and is an ill-conceived effort by certain special interests to impose their minority and special-interest views on the regulation of our industry. We have deep reservations about the provisions contained in this proposal because of its potential adverse impact on animal welfare and the economics of the industry.

H.R. 2651 purports to create a system for the uniform regulation and use of medication in the racing industry, but such a system already exists and it works well. Performance-enhancing drugs are not allowed or tolerated in horse racing. There is total uniformity on this issue IN EVERY RACING JURISDICTION, and racing has rules, policies, and laboratory testing that are superior to any sport or business in the world.

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Each of the opposing organizations and their constituent members have been involved for decades in working collectively to create and implement uniform policies to safeguard against doping and to protect the health, safety and welfare of the horse and the rider.

We strongly support the existing mechanism by which policies are formulated and embodied in the Model Rules of Racing established by the Association of Racing Commissioners International. These policies form the basis of the regulatory scheme currently in place, made after thoughtful deliberation and dialogue that includes input from an important array of organizations, including the Racing Medication and Testing Consortium, which serves as the industry's scientific and policy arm. As a demonstration of the ongoing efforts to improve our current system, the racing industry is in the process of adopting changes nationally in four areas identified as in need of improvement—distinguishing routine therapeutic medications from prohibited substances which should not be present in the racehorse on race day, the administration of furosemide under the direction of the state racing commissions so that veterinarians do not have access to horses in to race on race day, the accreditation of our testing laboratories pursuant to the strictest accreditation code in ours or any sport—the RMTC Code of Standards for Laboratories, and a multiple medication violation penalty system that operates similar to state motor vehicle systems by attaching points for violations and mandatory additional penalties for repeat offenders. We have attached maps of the progress of these improvements throughout the country in just the past 3 years since their recommended implementation.

H.R. 2651 seeks to replace the current state regulatory system with one controlled by the federal government, with governance placed in the hands of a private group of hand-picked uninformed and unqualified individuals who know little to nothing about the racing industry or the health and welfare of the horse. The bill, which is most likely unconstitutional on its face (a previous version was deemed to be such by the Independent Congressional Research Service, and more particularly in light of the recent Supreme Court decision in *Murphy v National Collegiate Athletic Association*), will mire the industry in years of litigation. It strips the states of their ability to control their state legalized and regulated industries, contains an unfunded mandate that gives unfettered taxing authority to a private, federally appointed private group with no accountability rather than the states, deprives horsemen of current due process protections and throws them into the federal judicial system, and threatens the economic well-being of the industry, the best interests of the health and welfare of the horse and rider. It should be noted that lotteries, casino gaming and now sports betting, like horse racing, are state-approved and sanctioned businesses that are regulated by the states and not the federal government.

Couched as an attempt at getting nationwide uniformity on the use and regulation of therapeutic medication in racing, H.R. 2651 is actually nothing more than a smokescreen for the proponent's true purpose - the elimination of a safe, effective, necessary and tightly-regulated medication (furosemide) that is given on race day to protect horses from bleeding in the respiratory tract. This has been a widely accepted 30-year equine welfare policy to mitigate or prevent the effects of a condition recently elevated in severity to a chronic disease in race horses by the American College of Veterinary Internal Medicine.

The current industry policy, which endorses use of this medication because it is in the best interests of the health and welfare of the horse and the betting public until an alternate and effective therapy is developed, enjoys broad industry consensus and scientific support. The true purpose of H.R. 2651 is not medication uniformity, which the industry does quite well notwithstanding that it is a state sanctioned and state-regulated business. Rather, it is an effort by the proponents to do an end-run around the state regulated racing industry in the United States and state regulators, who have unanimously determined that the administration of furosemide to horses on race day is in the best interests of the health and welfare of the horse, to impose by federal intervention the desire of a minority of special interests on an industry that collectively is, and has been, overwhelmingly opposed to their views, to end the practice. Should there be any doubt about the motives of the proponent organizations to impose their will on an industry that opposes them, they have enlisted the support of animal rights groups such as the Humane Society, who make inflammatory and wildly irresponsible claims that the administration of furosemide to horses on race day is tantamount to doping, notwithstanding that there is absolutely no scientific evidence to support their view. Indeed, the science is to the contrary. For the racing industry, it is all about the health, welfare and safety of the horse and rider and protection of the betting public.

Finally, H.R. 2651 would create a massive and completely unnecessary new level of federal bureaucracy on top of an existing state regulatory structure that has been in place for more than 100 years. We are especially alarmed by the provisions in H.R. 2651 that would allow this newly created federal bureaucracy to impose UNLIMITED NEW TAXES on our industry, particularly horse owners, without any checks or balances.

Our mandate, which drives everything we do in this industry, is to protect the health and welfare of the horse, the integrity of our sport, the fairness of competition and the best interests of the betting public. We are laser focused on these core principles. H.R. 2651 does not meet these standards.

The below industry stakeholder organizations, who are involved in the daily regulation of our sport and who are committed to the industry's mandate, oppose H.R. 2651. We cannot emphasize enough that the racing industry—Thoroughbred, Standardbred and Quarter Horse—is united in opposition to H.R. 2651. It is further telling that both the American Horse Council and the National Thoroughbred Racing Association, the racing industry's 2 principal federal lobbying organizations, are and have been silent on H.R. 2651, signifying the divisiveness of this legislation and its polarizing effect within the industry.

#### **Thoroughbred Owners of California**

**National Horsemen's Benevolent and Protective Association, including the following affiliates:**

- Alabama HBPA
- Arizona HBPA
- Arkansas HBPA
- Canadian National HBPA
- Charles Town (West Virginia) HBPA

- Colorado Horsemen's Association
- Finger Lakes (New York) HBPA
- Florida HBPA
- Indiana HBPA
- Iowa HBPA
- Illinois HBPA
- Kentucky HBPA
- Louisiana HBPA
- Michigan HBPA
- Minnesota HBPA
- Mountaineer (West Virginia) HBPA
- Nebraska HBPA
- New England HBPA
- Ohio HBPA
- Oregon HBPA
- Pennsylvania HBPA
  
- Tampa Bay Downs (Florida) HBPA
- Thoroughbred Racing Association  
of Oklahoma
- Washington HBPA

#### **California Thoroughbred Trainers Association**

##### **Thoroughbred Horsemen's Association and its affiliates:**

- Delaware THA
- Illinois THA
- Maryland THA
- New Jersey THA
- New York THA
- Pennsylvania THA

##### **Harness Horsemen International and its affiliates:**

- Cloverleaf (Maryland) SOA
- Delaware SOA
- HHA of New England
- Illinois HHA
- Indiana Standardbred Assn.
- Kentucky HHA
- Maine HHA
- Meadows (Pennsylvania) SOA
- Michigan HHA
- Minnesota Harness Racing
- Ohio HHA

- Ontario HHA
- Pennsylvania HHA
- SBOA of New Jersey
- Western New England HHA

**Association of Racing Commissioners International**

**United States Trotting Association**

**American Quarter Horse Association**

**American Association of Equine Practitioners**

**National Association of Racetrack Veterinarians**

**Alan M. Foreman**

**Chairman and CEO, Thoroughbred Horsemen's Associations, Inc.**



## **AQHA OPPOSES THE NEWLY INTRODUCED VERSION OF THE HORSERACING INTEGRITY ACT OF 2017.**

June 8, 2017

While AQHA strongly supports uniformity in the horse racing industry, it is unable to support the latest version of the newly introduced legislation.

On May 25, Congressman Andy Barr (R-KY) introduced the Horseracing Integrity Act of 2017 to the House of Representatives. In summary, the bill requires "a uniform anti-doping and medication control program to be developed and enforced by an independent Horseracing Anti-Doping and Medication Control Authority."

While the American Quarter Horse Association strongly supports uniformity in the horse racing industry, it is unable to support the latest version of the newly introduced legislation.

"Of particular concern regarding this proposal is the elimination of all race-day medications, including Lasix, the use of which has been endorsed by several equine groups and the American Association of Equine Practitioners to help mitigate the occurrence of exercise induced pulmonary hemorrhage in racehorses," said Craig Huffhines, AQHA executive vice president. "American Quarter Horse representation on the Authority and funding sources for the program are also among other areas of concern that we have regarding the legislation as currently proposed."

AQHA is committed to the welfare of the racehorse and continues to work with international, national and state racing organizations and commissions to evaluate protocols to allow for uniform medication rules and deterrents of performance-enhancing drugs. In addition, the use of Lasix in AQHA shows is currently under review by the AQHA Animal Welfare Commission by request of the Executive Committee.

In recent months, AQHA worked with the Association of Racing Commissioners International to separate American Quarter Horse flat racing in its medication violation model rules to help eliminate the use of illegal performance-enhancing medications. The Association has also supported recent industry movements that include out-of-competition testing and hair testing.

For more information on American Quarter Horse racing, visit [www.aqha.com/racing](http://www.aqha.com/racing).



## **AAEP STATEMENT ON THE HORSERACING INTEGRITY ACT, H.R. 2651**

**Statement by American Association of Equine Practitioners 2017 President R. Reynolds Cowles, DVM:**

"While the American Association of Equine Practitioners supports the uniformity of medication rules in U.S. horse racing, which is the one of the chief goals of the Horseracing Integrity Act, our association opposes the newly introduced version of the legislation.

"The AAEP's current policy on race-day medication administration endorses the use of furosemide to help mitigate the occurrence of exercise-induced pulmonary hemorrhage (EIPH) in the racehorse. This policy is based on the overwhelming body of international scientific and clinical evidence.

"H.R. 2651 seeks to end the administration of furosemide on race day, which conflicts with the AAEP's long-held position. While we are optimistic that current research projects will yield an alternative treatment for EIPH which does not require race-day administration, as doctors of veterinary medicine we cannot abandon our current policy until science provides an efficacious option for protecting the health and welfare of the horse.

"The ability of USADA to regulate a sport which has far more participants than any sport they currently oversee remains a concern for the AAEP, but we are pleased with the change to the legislation's proposed structure which allows for the inclusion of a veterinarian as part of the governing body. We also are pleased with the expansion of the bill's language to clearly delineate the role of therapeutic medication and a formal anti-doping program.

"We appreciate the opportunity provided to us previously by Rep. Barr to offer input on the legislation in the areas of governance and veterinary involvement, although our suggestions were not incorporated into this version of the bill. The AAEP wishes to continue to serve as a resource to Rep. Barr and Rep. Tonko as issues affecting the health and the welfare of the racehorse are considered."



## OP/ED: YES, THE AAEP IS PROTECTING THE HORSE

by Jeff A. Blea, DVM & AAEP Racing Committee Chair

The American Association of Equine Practitioners (AAEP)'s recent decision to oppose the Horseracing Integrity Act of 2017 has been met with both support and criticism, depending on one's perspective within the industry. As chair of the AAEP Racing Committee, I'd like to address why we believe our position best represents the health and welfare of the racehorse.

First, I respect all the industry stakeholders who have invested an incredible amount of time and resources to ensure horse racing's sustainability. We have the same goals, I believe, even though we may differ on specific aspects of the proposed federal legislation.

The AAEP's decision to oppose the Horseracing Integrity Act was principally based on our long-standing policy in support of the race-day administration of furosemide to help mitigate the occurrence of exercise-induced pulmonary hemorrhage (EIPH). This policy is based on a vast body of scientific and clinical evidence and on what we, as equine veterinarians, believe is in the best interest of the health and welfare of the horse.

The scientific community recognizes that EIPH is a disease that affects equine athletes, in addition to human athletes (Diwakar, Amit, and Gregory A. Schmidt. "Exercise-Induced Pulmonary Hemorrhage in a Nonathlete: Case Report and Review of Physiology." *Lung* 192.2 (2014): 329-331). Currently, without debate, the only scientifically proven medication to ameliorate the effects of EIPH in the racehorse is furosemide (Lasix). It is in fact used in training in most countries around the world with few exceptions (personal communication).

In 2015, the AAEP developed a long-range 10-Point Plan for horse racing which included the goal of pursuing research to investigate alternative

strategies for managing EIPH that did not require race-day Lasix administration. Promising research projects are currently underway, but it is too soon to know if any will yield an alternative. While there are elements of the Horseracing Integrity Act we certainly support, the AAEP was not able to abandon our EIPH efforts and our long-held position for political expediency.

The AAEP has members who are staunch advocates on both sides of the Lasix debate. In fact, AAEP strongly advocated for the third-party administration of race-day Lasix in order to negate any premise that our support of race-day Lasix was in any way based upon racetrack veterinarians' financial interests. Suggestions from some industry stakeholders that the AAEP's support of race-day Lasix is a dollars and cents issue for veterinarians is incorrect, inaccurate, and is directly refuted by our endorsement of third-party administration.

The race-day administration of Lasix is without doubt one of the most polarizing issues in horse racing. We respect the fact that other jurisdictions around the globe compete without the use of race-day Lasix. The racing business model is complex and arguably a justification of why other countries can exist successfully without race-day Lasix. In order for the U.S. racing industry to compete in similar fashion to other global jurisdictions, a cultural shift in U.S. racing must first occur.

The AAEP understands that the development of alternative effective treatments to mitigate race-day EIPH, without affecting performance, will require resources, commitment and patience, and most importantly, time. It's a lofty goal that may be in vain. However, we are committed to doing what is best for the horse, while ensuring the integrity and sustainability of the racing industry for the future, without an emphasis on financial gains.





## Association of Racing Commissioners International

August 10, 2017

Rep. Ralph Abraham  
U.S. House of Representatives  
417 Cannon House Office Building  
Washington, DC 20515

Dear Rep. Abraham:

We write concerning H.R. 2651, the so-called Horse Racing Integrity Act of 2017.

The Association of Racing Commissioners International (ARCI) is the umbrella organization of the independent entities designated by statute in the United States, Canada, Mexico, and parts of the Caribbean to regulate and police professional horse racing. The ARCI sets regulatory standards, encourages uniformity, and develops best practices to ensure the integrity and safety of the sport.

We challenge the necessity for H.R. 2651 and have deep reservations about the provisions contained therein, especially those that redundantly create integrity programs modeled after those already in place.

Performance enhancing drugs are not allowed or tolerated in professional horse racing. There is total uniformity on this issue. Horse racing's standards are stronger than those deployed in human sport because there is no provision to permit athletes to compete under the influence of a prohibited substance if the anti-doping agency grants an exemption. This is routinely done in human sport unbeknownst to the other competitors and fans.

Horse racing regulators have long been involved with working to create and implement uniform policies to safeguard against doping and protect horses. We strongly support the existing process where policies are proposed by the Racing Medication and Testing Consortium and vetted by the ARCI before being included in the Model Rules of Racing.

While we do acknowledge the few instances where a state may have not have uniformly adopted an ARCI standard, we note that in these rare instances the differences in actual policy are minor and limited to how long prior to a race a legal and appropriate therapeutic treatment should be stopped.

Horse racing regulators in the United States collectively operate an anti-doping and testing program that is over thirty (30) times the size of the program that Congress funds at the U.S. Anti-Doping Agency and larger than the entire testing program performed worldwide for the World Anti-Doping Agency.

H.R. 2651 is a highly controversial proposal that is opposed by organizations representing the largest constituent segments in the sport. These include the: American Association of Equine

Practitioners, National Association of Racetrack Veterinarians, American Quarter Horse Association, Thoroughbred Horseman's Association, National Horseman's Protective and Benevolent Association, Thoroughbred Owners of California, New York Thoroughbred Horseman's Association, Harness Horsemen International, Standardbred Breeders and Owners Association, the Jockeys Guild and countless other local and regional groups.

**We strongly urge you not to support this legislation.**

We also believe it is not in the welfare interest of the race horse to place medication and anti-doping policy in the hands of an entity with no veterinary expertise, as H.R. 2651 proposes. We additionally do not believe it good public policy to permit an organization to determine its own budget with authority to impose new and unlimited assessments on the States or taxes on racing industry participants as is being proposed.

Finally, this proposal also raises ethical and moral issues in that it outlaws an otherwise legal medication that has been scientifically proven to help horses withstand vigorous exercise and competition. H.R. 2651 proposes to repeal a thirty-year equine welfare policy to mitigate or safeguard against a condition recently elevated in its degree of seriousness by the American College of Veterinary Internal Medicine. This policy was instrumental in stopping the abusive practice of denying horses water beginning the night before the day they race.

When one considers the World Anti-Doping Agency's therapeutic medication policy it is clear that human athletes are treated with far more consideration than the supporters of this bill would have race horses treated. We ask: "Is not the health and wellbeing of our equine athletes as important?" We hope you agree that it is and resist those who urge you to support this proposal.

Finally, the ARCI has long served as a resource to legislators interested in horse racing regulatory matters. We continue to work with all aspects of the racing industry to develop and implement policies to protect horses, those who ride or drive, as well as the integrity of each contest.

We appreciate the interest of any Member of Congress in the regulation of this sport, and welcome the opportunity to brief you or your staff on these matters. We are always open to exploring ways the federal government may be of meaningful assistance to the states in this area. If we can be of any assistance on these matters, please do not hesitate to contact us.

Sincerely,



Jeff Colliton, Chair



Edward J. Martin, President



## **United States Trotting Association Opposes Horse Racing Integrity Act**

**Sept. 5, 2017**

**Following is a statement from the U.S. Trotting Association expressing its opposition to the Horse Racing Integrity Act of 2017:**

**While the United States Trotting Association (USTA) strongly supports breed-specific, uniform medication rules for horse racing, the USTA, which has had no input into the preparation of the bill, opposes the Horse Racing Integrity Act of 2017 (H.R.2651) for a number of reasons.**

**Two of the primary objections to the proposed legislation are the elimination of race-day medications, specifically furosemide (Lasix), and the lack of separate, uniform regulations governing the use of therapeutic medications for the different breeds.**

**In March 2012, the USTA announced its official position on furosemide stating, "The U.S. Trotting Association believes that the most humane way to address this problem (Exercised-Induced Pulmonary Hemorrhage) is through the continued approval of the race-day administration of furosemide under controlled conditions and by a licensed veterinarian."**

**"After a year of considering all the issues concerning the race-day administration of furosemide, commonly known as Salix or Lasix, the U.S. Trotting Association believes the determining factor should be the welfare of the horse," said then USTA President Phil Langley in making the announcement at that time.**

**The American Association of Equine Practitioners also endorses the use of race-day Lasix "based on the overwhelming body of international scientific and clinical evidence."**

**The USTA has long been an advocate for separate rules for the different breeds in the use of therapeutic medications.**

**"As the Association of Racing Commissioners International has recently agreed and the USTA has advocated all along, the differences in the racing breeds and their business models, particularly the frequency that the horses race, requires there to be separate rules for each breed in the use of therapeutic medications," said USTA President Russell Williams. "A 'one-size-fits-all' approach, which is what H.R.2651 appears to advocate, isn't right, isn't fair, doesn't promote equine health, and won't work."**

**Further, the USTA has concerns about the makeup of the proposed federal board of the Horseracing Anti-Doping and Medication Control Authority (HAMCA) created by the legislation.**

**"The proposed board members will have no experience with or understanding of the horse racing industry or the welfare of the horses," said Williams. "It seeks to replace the current state regulatory system where uniformity largely exists and is made up of regulators with extensive experience and knowledge of horse racing.**

**"Also, it is a significant concern to the USTA that this legislation would designate the Federal Trade Commission as the ultimate regulatory authority, bypassing agencies like the Department of Agriculture and the Food and Drug Administration that have experience with animal welfare issues."**

**In addition, the proposed legislation would create a regulatory commission that could mandate significant additional expenses to the horse racing industry.**

**"There is no stipulation for federal funding in the legislation as there is for the United States Anti-Doping Agency in its testing of human athletes, which would give HAMCA a blank check to impose new costs to racetracks and horsemen with minimal oversight or accountability," added Williams.**

**The USTA joins the Horsemen's Benevolent and Protective Association and Thoroughbred Horsemen's Association (the two major, national organizations representing Thoroughbred owners, breeders and trainers); Harness Horsemen International (the international organization that represents Standardbred owners, breeders and trainers in the U.S. and Canada); Association of Racing Commissioners International (the national organization representing independent state racing commissions); the American Association of Equine Practitioners and North American Association of Racetrack Veterinarians (the two principal organizations representing the equine veterinary community); and the American Quarter Horse Association as well as numerous other racing and breeding organizations in opposing the proposed Horse Racing Integrity Act of 2017 (H.R. 2651).**

**For further information about the U.S. Trotting Association, visit [www.ustrotting.com](http://www.ustrotting.com) or call 877/ 800-8782.**